



General Assembly

January Session, 2003

**Committee Bill No. 105**

LCO No. 3156

Referred to Committee on Select Committee on Aging

Introduced by:  
(AGE)

**AN ACT CONCERNING ELECTRIC BILLS OF PERSONS ON OXYGEN  
CONCENTRATORS.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsection (b) of section 16-262c of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (b) (1) From November first to April fifteenth, inclusive, no electric  
5 or electric distribution company, as defined in section 16-1, no electric  
6 supplier and no municipal utility furnishing electricity shall terminate  
7 or refuse to reinstate residential electric service in hardship cases  
8 where the customer lacks the financial resources to pay his or her  
9 entire account. From November first to April fifteenth, inclusive, no  
10 gas company and no municipal utility furnishing gas shall terminate or  
11 refuse to reinstate residential gas service in hardship cases where the  
12 customer uses such gas for heat and lacks the financial resources to  
13 pay his or her entire account, except a gas company that, between  
14 April sixteenth and October thirty-first, terminated gas service to a  
15 residential customer who uses gas for heat and who, during the  
16 previous period of November first to April fifteenth, had gas service

17 maintained because of hardship status, may refuse to reinstate the gas  
18 service from November first to April fifteenth, inclusive, only if the  
19 customer has failed to pay, since the preceding November first, the  
20 lesser of: (A) Twenty per cent of the outstanding principal balance  
21 owed the gas company as of the date of termination, (B) one hundred  
22 dollars, or (C) the minimum payments due under the customer's  
23 amortization agreement. Notwithstanding any other provision of the  
24 general statutes to the contrary, no electric, electric distribution or gas  
25 company, no electric supplier and no municipal utility furnishing  
26 electricity or gas shall terminate or refuse to reinstate residential  
27 electric or gas service where the customer lacks the financial resources  
28 to pay his or her entire account and for which customer or a member  
29 of the customer's household the termination or failure to reinstate such  
30 service would create a life-threatening situation. On and after October  
31 1, 2003, any electric, electric distribution, electric supplier or municipal  
32 utility that furnishes electricity to any residential electric customer who  
33 utilizes an oxygen concentrator or whose household member utilizes  
34 an oxygen concentrator shall monthly deduct from such customer's  
35 account an amount equal to twenty per cent of the amount owed by  
36 such customer that is attributable to usage for the billing period  
37 provided such customer furnishes said utility with information  
38 verifying the use and medical necessity of such oxygen concentrator.  
39 Verification shall consist of a sworn statement by the medical provider  
40 who prescribed the oxygen concentrator for the customer or household  
41 member and shall be submitted by the residential customer to the  
42 utility once every six months. All residential customer electric utility  
43 bills, whether issued by an electric utility or by a billing service, shall  
44 contain information concerning the availability of such oxygen  
45 concentrator deduction.

46 (2) During any period in which a residential customer is subject to  
47 termination, an electric, electric distribution or gas company, an  
48 electric supplier or a municipal utility furnishing electricity or gas shall  
49 provide such residential customer whose account is delinquent an  
50 opportunity to enter into a reasonable amortization agreement with

51 such company, electric supplier or utility to pay such delinquent  
52 account and to avoid termination of service. Such amortization  
53 agreement shall allow such customer adequate opportunity to apply  
54 for and receive the benefits of any available energy assistance  
55 program. An amortization agreement shall be subject to amendment  
56 on customer request if there is a change in the customer's financial  
57 circumstances.

58 (3) As used in this section, (A) "household income" means the  
59 combined income over a twelve-month period of the customer and all  
60 adults, except children of the customer, who are and have been  
61 members of the household for six months or more, and (B) "hardship  
62 case" includes, but is not limited to: (i) A customer receiving local, state  
63 or federal public assistance; (ii) a customer whose sole source of  
64 financial support is Social Security, Veterans' Administration or  
65 unemployment compensation benefits; (iii) a customer who is head of  
66 the household and is unemployed, and the household income is less  
67 than three hundred per cent of the poverty level determined by the  
68 federal government; (iv) a customer who is seriously ill or who has a  
69 household member who is seriously ill; (v) a customer whose income  
70 falls below one hundred twenty-five per cent of the poverty level  
71 determined by the federal government; and (vi) a customer whose  
72 circumstances threaten a deprivation of food and the necessities of life  
73 for himself or dependent children if payment of a delinquent bill is  
74 required.

75 (4) In order for a residential customer of a gas company using gas  
76 for heat to be eligible to have any moneys due and owing deducted  
77 from the customer's delinquent account pursuant to this subdivision,  
78 the company furnishing gas shall require that the customer (A) apply  
79 and be eligible for benefits available under the Connecticut energy  
80 assistance program or state appropriated fuel assistance program; (B)  
81 authorize the company to send a copy of the customer's monthly bill  
82 directly to any energy assistance agency for payment; (C) enter into  
83 and comply with an amortization agreement, which agreement is

84 consistent with decisions and policies of the Department of Public  
85 Utility Control. Such an amortization agreement shall reduce a  
86 customer's payment by the amount of the benefits reasonably  
87 anticipated from the Connecticut energy assistance program, state  
88 appropriated fuel assistance program or other energy assistance  
89 sources. Unless the customer requests otherwise, the company shall  
90 budget a customer's payments over a twelve-month period with an  
91 affordable increment to be applied to any arrearage, provided such  
92 payment plan will not result in loss of any energy assistance benefits to  
93 the customer. If a customer authorizes the company to send a copy of  
94 his monthly bill directly to any energy assistance agency for payment,  
95 the energy assistance agency shall make payments directly to the  
96 company. If, on April thirtieth, a customer has been in compliance  
97 with the requirements of subparagraphs (A) to (C), inclusive, of this  
98 subdivision, during the period starting on the preceding November  
99 first, or from such time as the customer's account becomes delinquent,  
100 the company shall deduct from such customer's delinquent account an  
101 additional amount equal to the amount of money paid by the customer  
102 between the preceding November first and April thirtieth and paid on  
103 behalf of the customer through the Connecticut energy assistance  
104 program and state appropriated fuel assistance program. Any  
105 customer in compliance with the requirements of subparagraphs (A) to  
106 (C), inclusive, of this subdivision, on April thirtieth who continues to  
107 comply with an amortization agreement through the succeeding  
108 October thirty-first, shall also have an amount equal to the amount  
109 paid pursuant to such agreement and any amount paid on behalf of  
110 such customer between May first and the succeeding October thirty-  
111 first deducted from the customer's delinquent account. In no event  
112 shall the deduction of any amounts pursuant to this subdivision result  
113 in a credit balance to the customer's account. No customer shall be  
114 denied the benefits of this subdivision due to an error by the gas  
115 company. The Department of Public Utility Control shall allow the  
116 amounts deducted from the customer's account pursuant to the  
117 implementation plan, described in subdivision (5) of this subsection, to

118 be recovered by the company in its rates as an operating expense,  
119 pursuant to said implementation plan. If the customer fails to comply  
120 with the terms of the amortization agreement or any decision of the  
121 department rendered in lieu of such agreement and the requirements  
122 of subparagraphs (A) to (C), inclusive, of this subdivision, the  
123 company may terminate service to the customer, pursuant to all  
124 applicable regulations, provided such termination shall not occur  
125 between November first and April fifteenth.

126 (5) Each gas company shall submit to the Department of Public  
127 Utility Control annually, on or before July first, an implementation  
128 plan which shall include information concerning amortization  
129 agreements, counseling, reinstatement of eligibility, rate impacts and  
130 any other information deemed relevant by the department. The  
131 Department of Public Utility Control may, in consultation with the  
132 Office of Policy and Management, approve or modify such plan within  
133 ninety days of receipt of the plan. If the department does not take any  
134 action on such plan within ninety days of its receipt, the plan shall  
135 automatically take effect at the end of the ninety-day period, provided  
136 the department may extend such period for an additional thirty days  
137 by notifying the gas company before the end of the ninety-day period.  
138 Any amount recovered by a company in its rates pursuant to this  
139 subsection shall not include any amount approved by the Department  
140 of Public Utility Control as an uncollectible expense. The department  
141 may deny all or part of the recovery required by this subsection if it  
142 determines that the company seeking recovery has been imprudent,  
143 inefficient or acting in violation of statutes or regulations regarding  
144 amortization agreements.

145 (6) On or after January 1, 1993, the Department of Public Utility  
146 Control may require gas companies to expand the provisions of  
147 subdivisions (4) and (5) of this subsection to all hardship customers.  
148 Any such requirement shall not be effective until November 1, 1993.

149 (7) (A) All electric, electric distribution and gas companies, electric

150 suppliers and municipal utilities furnishing electricity or gas shall  
151 collaborate in developing, subject to approval by the Department of  
152 Public Utility Control, standard provisions for the notice of  
153 delinquency and impending termination under subsection (a) of  
154 section 16-262d. Each such company and utility shall place on the front  
155 of such notice a provision that the company, electric supplier or utility  
156 shall not effect termination of service to a residential dwelling for  
157 nonpayment of disputed bills during the pendency of any complaint.  
158 In addition, the notice shall state that the customer must pay current  
159 and undisputed bill amounts during the pendency of the complaint.  
160 (B) At the beginning of any discussion with a customer concerning a  
161 reasonable amortization agreement, any such company or utility shall  
162 inform the customer (i) of the availability of a process for resolving  
163 disputes over what constitutes a reasonable amortization agreement,  
164 (ii) that the company, electric supplier or utility will refer such a  
165 dispute to one of its review officers as the first step in attempting to  
166 resolve the dispute, and (iii) that the company, electric supplier or  
167 utility shall not effect termination of service to a residential dwelling  
168 for nonpayment of a delinquent account during the pendency of any  
169 complaint, investigation, hearing or appeal initiated by the customer,  
170 unless the customer fails to pay undisputed bills, or undisputed  
171 portions of bills, for service received during such period. (C) Each such  
172 company, electric supplier and utility shall inform and counsel all  
173 customers who are hardship cases as to the availability of all public  
174 and private energy conservation programs, including programs  
175 sponsored or subsidized by such companies and utilities, eligibility  
176 criteria, where to apply, and the circumstances under which such  
177 programs are available without cost.

178 (8) The Department of Public Utility Control shall adopt regulations  
179 in accordance with chapter 54 to carry out the provisions of this  
180 subsection. Such regulations shall include, but not be limited to,  
181 criteria for determining hardship cases and for reasonable  
182 amortization agreements, including appeal of such agreements, for  
183 categories of customers. Such regulations may include the

184 establishment of a reasonable rate of interest which a company may  
185 charge on the unpaid balance of a customer's delinquent bill and a  
186 description of the relationship and responsibilities of electric suppliers  
187 to customers.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

***Statement of Purpose:***

To provide persons on oxygen concentrators with some assistance concerning their electric bills.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. PRAGUE, 19th Dist.; REP. MARTINEZ, 128th Dist.